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Convention on the Elimination of All Forms of Discrimination against Women

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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Eighteenth session
19 January-6 February 1998

ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS EIGHTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora JAVATE DE DIOS

Addendum

III. REPORT OF THE CHAIRPERSON ON ACTIVITIES UNDERTAKEN BETWEEN THE SEVENTEENTH AND EIGHTEENTH SESSIONS OF THE COMMITTEE

1. The Chairperson of the Committee welcomed members to the eighteenth session of the Committee. She noted that, since the last session of the Committee, Ms. Tendai Bare (Zimbabwe), had been appointed Director of the General Technical Services Division of the Commonwealth Secretariat in London and was submitting her resignation. She emphasized the valuable contribution that Ms. Bare had made to the work of the Committee.

2. She informed the Committee that she had participated in a number of United Nations-sponsored activities, including the Asia/Pacific Meeting on Universal Adherence to Principal Human Rights Instruments held in Amman, Jordan from 1 to 4 September 1997 which had been convened by the Office of the High Commissioner for Human Rights. The object of the meeting had been to encourage ratification of human rights instruments. She noted that 17 of the States that had participated in the meeting had not yet ratified the Convention on the Elimination of All Forms of Discrimination against Women. The meeting had offered a useful opportunity to identify obstacles to ratification and strategies to overcome them.

3. The Chairperson had attended the eighth meeting of persons chairing the human rights treaty bodies held at Geneva from 15 to 19 September 1997. She

reported that the major item on the agenda of the meeting had been the report of the independent expert on "enhancing the long-term effectiveness of the United Nations human rights treaty system". The chairpersons had considered that it was both impractical and undesirable to create a single treaty body to monitor all the human rights conventions. They were of the view that each committee might seek ways to focus on a limited number of issues pertinent to each country to help reduce the length of periodic reports. The chairpersons had recommended that members of treaty bodies should refrain from participating in any aspect of the consideration of their country's report in order to maintain impartiality, both in substance and appearance, and that Governments should refrain from nominating persons for election to treaty bodies whose political or other functions may not be reconcilable with the obligations of independent experts. The chairpersons had invited the Division for the Advancement of Women to prepare an analysis of how gender was being integrated into the work of the United Nations treaty bodies for presentation at the next regular session of the meeting of chairpersons, and had proposed holding a seminar to explore these issues.

4. The Chairperson also informed the Committee about the Copenhagen Seminar for Social Progress, held from 3 to 5 October 1997, the objective of which had been to follow up the 1996 Social Summit and determine the relationship between the process of economic integration and globalization and social conditions. From 14 to 16 October, the Chairperson had also attended a regional workshop organized by the Middle East regional office of the United Nations Children's Fund in Beirut, which had examined ways to incorporate CEDAW and the Convention on the Rights of the Child into the curriculum of law schools in six Arab States. The concept of women's and children's rights in the Arab world had been discussed.

5. The Chairperson had attended the meetings of the Third Committee of the General Assembly from 19 to 23 October 1997. In her statement, she had highlighted the progress that had been made in the implementation of CEDAW and had called for further ratification and acceptance of the amendment of article 20(1) relating to the Committee's meeting time.

6. The Chairperson informed the Committee that she had written to those countries which were not yet parties to the Convention, urging ratification by the year 2000. Moreover, she welcomed the fact that Ms. Angela King, Special Adviser on Gender Issues and Advancement of Women, had written to those States parties which had not submitted their initial reports, urging their swift compliance with this obligation. She noted with appreciation that Mr. James Gustav Speth, Administrator of the United Nations Development Programme, had written to Resident Coordinators requesting them to encourage Governments to ratify or comply with reporting obligations under CEDAW and to assist where needed in preparation of initial reports.

7. The Chairperson reported that she and three other members of the Committee had attended the Commonwealth Medical Association interregional round table on women's health convened in London on 15-16 November 1997. The round table, which had been preceded by a Day of Dialogue with non-governmental organizations involved in health and reproductive rights, had provided useful input to the Committee in its formulation of a general recommendation relating to article 12.

8. The Chairperson noted her concern about the situation of women and children in Algeria, and that the initial report of the country was under preparation and would be considered by the Committee at one of its coming sessions.

9. She also expressed disappointment that the Special Rapporteur on Violence against Women had been unable to attend the session as originally planned, but noted that the Special Rapporteur on Religious Intolerance would be meeting with the Committee, as would Mrs. Mary Robinson, High Commissioner for Human Rights. She thanked Ms. Cartwright and Ms. Shalev, who had carried out major responsibilities on behalf of the Committee between the seventeenth and eighteenth sessions with regard to a paper on reservations and the general recommendation on women's health.

10. Finally, the Chairperson noted that, while there had been improvements in the functioning of treaty bodies, working methods of CEDAW could be further improved, and she welcomed any suggestions in that regard.

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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS EIGHTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora JAVATE DE DIOS

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports of States parties

Azerbaijan

1. The Committee considered the initial report of Azerbaijan (CEDAW/C/AZE/1) at its 361st, 362nd and 367th meetings on 20 and 23 January 1998.

2. The Committee was informed by the representative of the Government that 20 January was the Azeri national day to commemorate the victims of totalitarianism. The outcome of the struggle for independence was the adoption by the Supreme Soviet of the Azerbaijani Republic of the Declaration on the Restoration of the State Independence of the Azerbaijani Republic, on 30 August 1991, and the Constitutional Act of State Independence, on 18 October 1991.

3. The implementation of socio-economic and political reforms commenced upon independence, but, according to the representative of the Government, the situation in the country had been affected by the socio-economic crisis and the

consequences of Armenia's armed aggression, which had had an impact on the whole population. In addition, 85 per cent of the population remained below the poverty line. There was also a large population of refugees and displaced persons, including women and children.

4. In spite of those difficulties, the Government attached great importance to the implementation of international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, to which the Government had acceded without any reservations in June 1995. The Fourth World Conference on Women (Beijing, 4-15 September 1995) and the follow-up implementation at the national level had also been important in the context of women's rights in Azerbaijan.

5. The initial report of Azerbaijan was prepared one year after its accession to the Convention during a period of economic difficulties, the occupation of 20 per cent of the territory of Azerbaijan and the existence of more than a million refugees and displaced persons. Those factors had had a negative effect on the implementation of the Convention.

6. The representative of Azerbaijan provided a comprehensive retrospective analysis of the changes in the situation of women in the country and paid tribute to the contributions of prominent women in that process.

7. A special State committee on women's issues had been established recently, and the Government was actively pursuing the policy of equal rights and equal opportunities. That approach formed the basis for interaction with non-governmental organizations.

8. The Committee was informed that the new Constitution, adopted in 1995, underscored the principle of equality of human rights of men and women. De jure, women enjoyed full guarantees of human rights and freedom from discrimination. The difficult socio-economic situation, however, had resulted in a severe decline in the standard of living and an increase in the unemployment rate. This had resulted in widespread poverty among women and men. The high rates of infant and maternal mortality were also issues of great concern.

9. A majority of women in Azerbaijan had achieved a high level of education, and since 1996 the number of women seeking higher education had exceeded that of men. However, more women than men were unemployed, and there were fewer women than men at all levels of decision-making. Women constituted 12 per cent of all deputies in the Parliament and 20 per cent among managers in decision-making positions. Women in the labour market were usually concentrated in health care, social welfare, education and culture.

10. The Government of Azerbaijan was particularly concerned about the large number of refugees and displaced persons in the country, where women and children constituted the majority. Currently, the Government was implementing a wide set of measures aimed at the integration of refugee and displaced women into social and economic life.

11. The Government of Azerbaijan recognized that much remained to be done in order to achieve full equality between women and men. In that regard, the Committee was assured of the willingness of the Government to continue to undertake all the necessary measures to implement the obligations of the Convention.

Concluding comments of the Committee

Introduction

12. The Committee expressed its appreciation to the Government of Azerbaijan for ratifying the Convention without reservations after the proclamation of its independence.

13. The Committee appreciated the submission of the report one year after the ratification and welcomed the supplementary information given to it in an excellent oral presentation by a high-level delegation.

Factors and difficulties affecting the implementation of the Convention

14. The Committee recognized that Azerbaijan was facing economic, social and political challenges as a result of its post-war condition, the high number of refugees and the transition to democracy and a market-oriented economy. In that connection, it noted that the State party was undergoing severe economic and social problems that had a negative impact on the whole population, 85 per cent of which lived below the poverty line. Such a situation affected women in particular, who were the majority of the population as well as the majority of refugees and displaced persons, and impeded full implementation of the Convention.

Positive aspects

15. The Committee noted with appreciation the ratification of the Convention without reservations as well as the accession of Azerbaijan to other relevant human rights treaties.

16. The Committee also expressed its satisfaction at the fact that the Convention had been translated into Azeri and widely disseminated.

17. The Committee took note of the willingness expressed by the State party's delegation to strengthen the national machinery for the advancement of women and to engage non-governmental organizations in the realization of the goals of the Platform for Action adopted by the Fourth World Conference on Women.

18. The Committee noted the high number of women involved in the professional and cultural life of the country and the relatively high percentage of women in the decision-making process.

19. The Committee welcomed information on the establishment, with the help of the United Nations Children's Fund, of six regional family-planning centres that would provide a larger number of women and men with assistance in matters of reproductive health.

20. The Committee also welcomed information on the establishment, in the near future, of a women's bank to provide loans and credits for small enterprises organized by women.

Areas of concern

21. The Committee was concerned by the fact that although the Constitution proclaimed that men and women had equal rights and freedoms, there was no definition of discrimination either in the Constitution or in the laws, and there were no mechanisms to strengthen the prosecution of discriminatory practices against women.

22. The Committee was concerned that, although Azerbaijan was a secular State in which the provisions of the Convention should be relatively easy to implement, there was as yet insufficient governmental commitment to eliminating deeply rooted patriarchal attitudes and to avoiding the danger of the insurgence of fundamentalist tendencies, which thus impeded the full implementation of the Convention, particularly its article 5 (a).

23. The Committee regretted that the role of national machinery had not yet been clearly identified so as to permit a consistent and comprehensive strategy for the full involvement of women in the development process of the country.

24. The Committee noted with concern discrepancies that still existed between de jure and de facto equality, particularly in the context of the implementation of articles 10 and 11 of the Convention, and the great number of highly educated women who were below the poverty line.

25. The Committee was particularly worried about the high level of maternal as well as infant mortality and the fact that there was insufficient recourse to international emergency aid in that field.

26. The Committee expressed its concern at the fact that article 4 of the Convention had not been used to eliminate the gap of inequality between women and men, particularly in the context of the integration of women into employment and with regard to assistance for displaced and refugee women.

27. The Committee was concerned by the fact that although women's rights, as set out in article 11 of the Convention, were guaranteed, there was a growing percentage of unemployment among women and that no measures had been introduced to address that situation.

28. The Committee was seriously concerned that insufficient efforts had been introduced to combat violence against women, particularly in the light of the fact that socio-economic and physical hardships usually increased the incidence of violence, particularly in the domestic sphere.

29. The Committee expressed serious concern with regard to the situation of women victims of prostitution and trafficking. The Committee had the impression that the content and the implementation of legislation to address those problems could be discriminatory and might not always respect the rights of victims or produce positive results. For example, the Committee noted that forced medical

control of prostitutes, where such measures were not implemented with respect for the clients, was discriminatory and might be counterproductive.

30. The Committee was alarmed by the widespread use of abortion as a basic means of family planning. It was also concerned about the general health situation of women, particularly in the light of the spread of tuberculosis and other contagious diseases.

31. The Committee expressed its concern with respect to the situation of women in rural areas, particularly with regard to basic health protection and education.

32. While understanding the difficult economic situation and the difficulty of reaching durable solutions to the refugee problem, the Committee expressed its concern with respect to the precarious material and psychological conditions of women refugees. It also noted that insufficient attention had been given to refugee women, including through failure to seek the support of relevant international agencies.

Suggestions and recommendations

33. The Committee encouraged the Government of Azerbaijan, through appropriate legislation, to identify the role of the national machinery for the advancement of women and to provide it with the necessary human and budgetary resources.

34. The Committee recommended that the Government take the steps necessary to ensure respect for and the effective implementation of the provisions contained in the Convention. Accordingly, it recommended that the provisions of the Convention be reflected in legislation, particularly that concerning health, education and labour.

35. The Committee encouraged the elaboration of a National Plan of Action for the implementation of the Beijing Platform for Action and suggested close and enhanced cooperation with the human rights non-governmental organizations and other representatives of civil society to enhance gender awareness and in the campaign to combat traditional stereotypes regarding the roles of women and men.

36. The Committee recommended that appropriate institutions consider the utility and necessity of affirmative actions, particularly to encourage greater participation of women in decision-making bodies.

37. The Committee further recommended the elaboration of adequate family-planning programmes, with the help of the United Nations Population Fund, so as to avoid the use of abortion as a means of family planning and thereby diminish the risks of maternal mortality due to unsafe abortions.

38. The Committee recommended that the Government review the legislation relating to the exploitation and trafficking of women so as to eliminate the discriminatory content of such legislation.

39. The Committee further recommended that migrant women be provided with adequate information to protect them from traffickers and others who seek to exploit women for the purposes of prostitution.

40. The Committee recommended that the provisions of the Convention be widely publicized among the public in general and, in particular, among teachers, social workers, law enforcement officials, prison staff, medical personnel, judges and members of other professions who are concerned with the implementation of the Convention.

41. The Committee recommended the introduction of human rights education, including the Convention, in schools and universities.

42. The Committee requested the wide dissemination in Azerbaijan of the present concluding comments in order to make the people of Azerbaijan aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard.

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Draft report

Rapporteur: Ms. Aurora JAVATE DE DIOS

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports of States parties

Croatia

1. The Committee considered the initial report of Croatia (CEDAW/C/CRO/1) at its 363rd, 364th and 368th meetings, on 21 and 23 January 1998.

2. The representative of Croatia indicated that her country had acceded to the Convention on the Elimination of All Forms of Discrimination against Women, without reservations, on 8 October 1991. The initial report covered the period up to 1994 and the next report would be a combined second and third report.

3. The representative informed the Committee that at the time of submission of the initial report peace was the priority in her country. However, she emphasized that only through peace and through the development of democracy would women be able to achieve advancement in all areas. Croatia had finally achieved a level of peace, stability and security that had enabled it to channel

its activities towards social development and the promotion and protection of human rights. The advancement and empowerment of women in all areas of public life were essential for the full implementation of social justice in a democratic society.

4. The Commission for Equality of the Government of the Republic of Croatia had been established in May 1996 and had drawn up the national policy for the promotion of equality, based on the Beijing Platform for Action, after consultation with women's non-governmental organizations. The policy had been adopted by the Government in December 1997.

5. The national policy provided for specific measures to achieve particular goals in the areas of political decision-making, the economy and the economic position of women, health care, education, human rights of women and violence against women in war and peace.

6. Another representative spoke on the implementation of the Convention in the area of justice. She noted that constitutional rights of Croatian women were protected by the ombudsman and that both women and men were entitled to all legal remedies available through court proceedings. A new penal law had been introduced and its implementation had begun on 1 January 1998. She introduced statistics on acts of violence against women, rape in marriage, sexual harassment, prostitution (including international prostitution) and other criminal acts. Trends in such behaviour had instigated changes in the Penal Act. However, both men and women could be perpetrators and victims of crime.

7. A number of legislative provisions provided special protection for the family and in particular for women in their role as mothers and care-givers. Special rights were accorded to women and these were not regarded as discriminating against men, whose rights were also recognized. Parenthood was seen as a joint responsibility and this was reflected in legislation and by-laws.

8. Women were not allowed to work in jobs involving hard physical labour or underground or underwater labour, nor in any jobs classified detrimental to the life of women. Night work was prohibited by law unless it was approved under special circumstances and conditions. Employers were prohibited from requesting information on matters unrelated to employment issues, and this was a means of protecting pregnant women from discrimination in the workplace.

9. Minor changes to the law on health care had been introduced since the initial report. Health insurance and causes of hospitalization were described and it was noted that statistics on termination of pregnancy showed that abortions and miscarriages were the lowest ever.

10. The national policy on equality, which implements the Beijing Platform for Action and was adopted in December 1997, was developed to promote equality and is a mandatory document, with ministries and other authorities being obliged to carry out its provisions. The policy, which was developed in cooperation with non-governmental organizations and the Commission for Equality, consisted of two parts, a survey of the existing situation and specific measures to address crucial areas.

11. The representative concluded her presentation by examining particular articles of the Convention and their implementation. She indicated that there was a high unemployment rate for women, although there were equal opportunities for women in education and employment.

Concluding comments of the Committee

12. The Committee congratulated the Government of Croatia for ratifying the Convention without reservations and noted with satisfaction that the country's initial report followed the guidelines and presented comprehensive data on the situation of women in Croatia.

13. The Committee welcomed the excellent oral presentation of the Croatian delegation, which had supplemented and updated the written report. The Committee expressed its appreciation to the Government of Croatia for its high-level delegation headed by the Deputy Minister for Labour and Social Welfare. This demonstrated the State party's commitment to the Convention and its appreciation of the work of the Committee.

14. The Committee further welcomed the extensive answers provided by the delegation to its questions. This reflected a sincere effort by Croatia to address the concerns raised by the Committee during the presentation of the State party's report.

Positive aspects

15. The Committee commended the fact that the Convention had been incorporated into the national laws of Croatia and could be invoked before the Courts by any citizen.

16. Although dated, the statistics contained in the report were a significant aid to the Committee's understanding and clarification of the situation of women in Croatia.

17. The Committee welcomed the establishment of the Commission for Equality in Croatia. It also welcomed the national policy for the promotion of equality, which had been adopted to implement the Beijing Platform for Action. The Committee was pleased to be provided with copies of the national policy.

18. The Committee commended the efforts made by the Government of Croatia to cooperate with civil society and non-governmental organizations, and its promise of further efforts to improve cooperation with non-governmental organizations in the future, particularly in view of the presence of highly competent and active women's non-governmental organizations in Croatia. The Committee welcomed the fact that the national policy envisaged cooperation with such organizations.

19. The Committee was especially pleased to note the constructive attitude displayed by the delegation in its dialogue with the Committee. In particular, the delegation's oral responses reflecting willingness to give further consideration to areas and concerns raised by the Committee, were noted with satisfaction. In this context the Committee was very pleased to hear the

Government's oral commitment to examine the following issues in the light of the Committee's suggestions:

(a) The need for measures to eliminate stereotypes that restrict women's role to that of mothers and carers;

(b) The need for measures to improve the participation of women in political life;

(c) The appointment of a deputy ombudsperson to deal specifically with women's rights;

(d) The need to improve public awareness about the Convention so that it may be used more frequently throughout the judicial system;

(e) The possibility of instituting a system of restraining orders, in particular to protect women subjected to domestic violence;

(f) The need to commence a dialogue and to coordinate efforts with trade unions on measures to protect women in the area of employment, in particular with respect to illegal pressuring of women by employers such as with regard to not becoming pregnant within a certain period after the commencement of employment;

(g) The need for increased assistance to family members, in particular women, taking care of the elderly;

(h) The need to collect more detailed information on the situation of rural women.

20. The Committee noted with great satisfaction the existence of programmes to assist women with special needs.

21. The Committee was pleased to be informed of the measures implemented to eradicate gender stereotypes within the education system. It was also pleased with the introduction of measures to introduce human rights education into schools.

22. The Committee was generally impressed by the health care system in Croatia and by the Government's clear commitment to universal coverage.

Factors and difficulties affecting the implementation of the Convention

23. The Committee expressed concern that data had not been collected on some areas, which made it difficult to assess accurately the implementation of the Convention in Croatia. In particular, the Committee was concerned that minimal attention had been paid to the issue of women living in poverty and that no disaggregated data were available on that point. It was also concerned that no sex-disaggregated data were collected on HIV/AIDS and that no reliable data had been collected on teenage pregnancy.

Principal subjects of concern

24. Despite some clarification during oral responses by the delegation, the Committee remained very concerned about the view contained in the State party's report that women themselves bear full responsibility for their low level of participation in public life. The Committee emphasized that the struggle to eliminate discrimination was an objective towards which all of society must work and that the Government should assume primary responsibility in implementing strategies to that end.

25. The Committee was particularly concerned about the consistent emphasis placed on women's roles as mothers and care-givers in Croatian legislation pertaining to a variety of areas. While legislative provisions protecting maternity are important, the Committee was concerned that prioritizing that aspect of women's lives reinforced traditional and stereotypical role expectations, which tended to limit women's full participation in society. The Committee commented that despite the fact that women in Croatia were well-educated and participated in the labour force in large numbers, a careful and gender-sensitive analysis of the emphasis on motherhood vis-à-vis women's roles in the public sphere was needed on the part of the Government to assure de facto gender equality in the Croatian society of the future.

26. The Committee was disturbed to note the Government's view that there was no need to specify gender inequality every time the issue of equality was raised. The Committee was of the opinion that this might contribute to the concealment of, in particular, de facto inequality and pointed out that, in order to increase the visibility of gender issues and to promote a gender-sensitive national agenda it was crucial to incorporate gender in all discussions of equality.

27. While the Committee was reassured to be informed that acts of domestic violence were prosecuted by public attorneys at the request of the victims, it expressed concern with regard to the adequacy of measures taken to encourage women to come forward with complaints and about the fact that prosecution by public attorneys ex officio or upon the complaint of third parties was not incorporated in the legislation on domestic violence.

28. The Committee expressed concern that there was some evidence of a close relationship between the Government and the church-related non-governmental organizations, which, it felt, could compromise the demarcation between the secular State and the church.

29. In the area of health, the Committee was particularly concerned that services pertaining to women's reproductive health were the first to be cut as a result of the Government's financial constraints. It was also concerned about information regarding the refusal, by some hospitals, to provide abortions on the basis of conscientious objection of doctors. The Committee considered this to be an infringement of women's reproductive rights.

Suggestions and recommendations

30. The Committee recommends that the Government of Croatia continue to implement and strengthen the measures it is taking to empower women and to mainstream gender issues. It encourages specific affirmative actions targeted to numerical goals and quotas, in particular in those areas such as political and decision-making positions of public life where women's de facto equality has not been improving at the desired pace.

31. The Committee urges the Government of Croatia to adhere to its oral statement of intention to give further consideration to the issues outlined in paragraph 19 above with a view to undertaking measures in response to the concerns of the Committee.

32. The Committee urges the Government of Croatia to take further measures to promote recognition of the variety of roles that women play in society. To that end, it suggested that it was crucial to educate the Croatian public with regard to the importance of an equitable distribution between women and men of family roles and "caring responsibilities".

33. The Committee requests that the Government of Croatia include more detailed information on article 6 of the Convention in future reports. The Committee requests that additional data be collected on the status of women involved in prostitution. The Committee would also appreciate more detailed information on the problem of trafficking in women, in particular migrant women, and the measures taken to implement legislation in that area.

34. The Committee requests that more information be provided about the situation of disabled women in future reports.

35. The Committee strongly recommends that the Government take steps to secure the enjoyment by women of their reproductive rights by, inter alia, guaranteeing them access to abortion services in public hospitals. It is suggested that the Government examine fully the implications for women, in particular, of funding cuts for contraceptives and that it implement strategies to address any detrimental impact on women.

36. The Committee urges the Government of Croatia to take the necessary steps to incorporate the participation of non-governmental organizations in the preparation of the country's next report to the Committee.

37. The Committee requests the Government of Croatia to disseminate the present comments widely throughout Croatia, so that individuals are aware of the measures that have been taken to implement the Convention and of the remaining steps that are required to achieve de facto equality for women.

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Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

Zimbabwe

1. The representative of Zimbabwe expressed her Government's commitment to the full implementation of the Convention and the achievement of gender equality. Much progress had been made in that area, including the establishment of the National Machinery for the Advancement of Women and the Inter-Ministerial Committee on Human Rights. A National Programme of Action and Vision 2020 had also been formulated, relevant legal provisions enacted and gender focal points appointed in all ministries. Despite this, prevailing negative attitudes towards women and discriminatory customary laws and practices continued to contribute to the slow pace in advancing the status of women.

2. Non-governmental organizations and research organizations specializing in gender and development issues had been consulted during the preparation of the report and were also active in promoting gender equality.

3. The representative noted that the Constitution had been amended in 1997 and now explicitly prohibited discrimination based on gender and that other legal

instruments, including the Sex Discrimination Removal Act, also prohibited discrimination based on sex.

4. The Ministry of Community Development and Women's Affairs had been established as the National Machinery for the Advancement of Women in 1981. Although the Ministry had since been dissolved, the National Machinery continued and gender focal points had been appointed in all line ministries.

5. The representative noted that an Inter-Ministerial Committee on Human Rights, which advised Government on human rights issues, had been established, and violations of human rights, including those relating to gender, could be investigated by the ombudsman.

6. Court procedures to improve the experience of victims, including provisions to allow for the taking of evidence in a separate room, had been introduced. Violence against women remained a serious problem and gender-sensitivity training had been introduced for police and judicial officers.

7. Affirmative action measures, in particular in the areas of education, employment and political participation and decision-making, had been introduced, but sex role stereotypes affected the attitudes of many Zimbabweans. In that regard, the Government had begun a programme to review school textbooks and a curriculum on human rights to be taught at the primary and secondary levels was being developed.

8. The representative indicated that HIV/AIDS was a serious problem in Zimbabwe and that the pandemic had increased the burden on women. Rural women generally remained very disadvantaged compared with their urban counterparts.

9. The representative concluded by noting that the National Machinery for the Advancement of Women had drawn up a list of statutes that did not comply with the Convention. In addition, the Convention had been translated into two major local languages and disseminated widely in simplified form.

Concluding comments of the Committee

Introduction

10. The Committee welcomed the State party's initial report, which was comprehensive and frank in its analysis of obstacles to implementation of the Convention. The Committee was also pleased to note that the report had been prepared in consultation with non-governmental organizations. Additional information that was provided by the oral presentation was also appreciated. The Committee welcomed the high-level delegation, which included the Minister of National Affairs, Employment Creation and Cooperatives.

Positive aspects

11. The Committee expressed its appreciation for the Government's strong commitment to advancing the status of women and commended it for establishing the National Machinery for the Advancement of Women after independence, as well as for assigning a gender focal point in each Ministry.

12. The Committee congratulated the Government for ratifying the Convention without reservations. Its translation into local languages for wider dissemination by the Government was also commended.

13. The establishment of the Inter-Ministerial Committee on Human Rights was noted with satisfaction, as was the strengthening of the office of the ombudsperson and the fact that it could now investigate the police and security forces.

14. The Committee commended the Government for putting in place clear and relevant national policies that were consistent with international agreements.

15. The Committee was also noted with satisfaction that the Constitution had been amended to prohibit any act of discrimination on the basis of sex.

16. Affirmative action taken to increase women's participation in rural councils and the gender-sensitive training given to police officers were two examples that the Committee referred to as commendable efforts on the part of the Government.

Factors and difficulties affecting the implementation of the Convention

17. The Committee noted with great concern that, although the national laws guaranteed the equal status of women, some of the customary laws made it possible for women to be discriminated against.

18. The Committee noted with dissatisfaction the prevailing traditional attitudes towards women, which helped to create and sustain negative images of women in society.

19. The Committee was informed that the ongoing structural adjustment programmes had compelled women to take low-paying employment.

Principal areas of concern

20. The Committee expressed its concern that discriminatory traditional practices, such as lobola, polygamy and female genital mutilation, were still accepted. Although the Constitution criminalized any act of discrimination on the ground of sex and, furthermore, the practice of lobola had been made illegal, tradition and customary law still ensured continued discrimination.

21. The Committee also noted with concern that much of the violence against women, especially in the domestic sphere, was not recognized by law. Violence against women was a serious violation of women's human rights. In addition, there was not enough support provided by the Government to help victims of violence, such as rehabilitation programmes and temporary shelters.

22. The Committee expressed its concern that the Ministry of National Affairs, Employment Creation and Cooperation and the National Machinery for the Advancement of Women had no real power or responsibility to initiate and implement policy measures to eliminate discrimination against women.

23. While the Committee agreed with the effectiveness of having gender focal points in all ministries, it was convinced that a functional central coordinating body with a regular budget needed to be put in place.

24. The Committee was concerned at the low level of women's participation at the decision-making level.

25. The Committee noted with dissatisfaction that prostitutes were criminalized by law while their clients went unpunished. The Committee pointed out that women with low or no income often resorted to prostitution; migrant women sometimes also ended up in prostitution because of their vulnerability. The Committee was concerned that women from marginalized groups often ended up in prostitution.

26. The Committee expressed its concern that women in rural areas often suffered more as a result of prevailing negative attitudes and discriminatory traditional practices. Furthermore, women in rural areas often worked longer hours than any other group.

27. The Committee was concerned at the lack of support systems to enable pregnant teenagers to continue their schooling. The Committee also noted with dissatisfaction that there were no detailed statistics available on teenage pregnancy.

Suggestions and recommendations

28. The Committee urged the Government to take a more proactive role by introducing concrete measures to abolish all discriminatory customs and practices.

29. The Committee urged the Government to review the functions of the National Machinery with a view to providing it with the authority and financial resources to initiate and implement policy programmes to eliminate discrimination against women. The National Machinery should also act as a coordinating body for all the gender focal points of the ministries. A public awareness-raising campaign for gender equality should be organized by the National Machinery targeting both women and men. A campaign to promote positive images of women should also be organized, involving the mass media.

30. Gender-sensitive training should be extended to all sectors, including medical and paramedical personnel.

31. The Committee further recommended that the President and the ministers be briefed regularly on the progress in implementation of the Convention and the Beijing Platform for Action and also to ensure that they were accountable for gender-mainstreaming within their respective departments.

32. The Committee recommended as a necessary temporary measure the use of affirmative action to promote the status of women in all spheres of society.

33. The Committee also suggested that the Government extend the function of the office of the ombudsperson to the private sector.

34. The Committee recommended to the Government that it codify family and customary laws, incorporating only the positive traditional customs and practices.

35. On prostitutes, the Committee agreed that it was necessary to help them rebuild their lives. The Committee strongly recommended, however, that the Government should put in place and implement preventive measures, which were essential to redress a situation that forced women into prostitution.

36. The Committee suggested that the Government review the law prohibiting abortion and provide sex education to both youth and adults.

37. The Committee requested more detailed data and adequate information on violence against women, prostitution, teenage pregnancy and young mothers' ability to continue their education, and also on trafficking in women.

38. The Government was requested to utilize the Committee's general recommendations in order to plan measures to advance the status of women and to implement them more effectively.

39. The Committee requested the Government to disseminate its concluding comments widely so that individuals would become more aware of the measures that had been taken to implement the Convention and also of the remaining steps that were required to achieve de facto equality for women.

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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS EIGHTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora JAVATE DE DIOS

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports of States parties

The Czech Republic

1. The Committee considered the initial report of the Czech Republic (CEDAW/C/CZE/1) at its 370th and 371st meetings on 26 January 1998, and at its 373rd meeting on 27 January 1998.

2. In introducing the report, the representative of the Czech Republic indicated that more than two years had elapsed since her country's initial report had been submitted and, consequently, her statement would focus on important changes in protecting women's rights as individuals.

3. The representative referred to the ratification of a number of International Labour Organization (ILO) instruments, including ILO Conventions 89, 100 and 101. She also cited several legislative reform measures that had been taken, including amendments to the Employment Act (1/1991); Act on Wages

(1/1992); Act on Salaries (143/1992); and Act on Pension Insurance (155/1995). The representative then briefed the Committee on the differential entitlements in retirement pensions between women and men, and among women based upon the number of children.

4. Although no fundamental changes in health or social insurance had occurred since 1994, certain health insurance benefits had been transferred to the State social allowance system in 1995, with the goal of unifying State social allowances and benefits and thus providing support to families with children under a single system.

5. Recent changes had led to the development of civil society, including women's organizations, resulting in activities, conferences and workshops that addressed specific women's issues, such as domestic violence, violence against women in general, and women who are victims of criminal acts.

6. The representative then briefed the Committee on specific programmes for women related to education and vocational training and described some of the socio-economic factors that significantly influence women's position in society and in the labour market. She also noted the importance of kindergartens and their linkage with the rate of female employment.

7. The representative indicated that Decree No. 261/97 specified explicitly jobs and workplaces which are prohibited for all women, pregnant women, mothers until the end of the nine months after childbirth, and youth, respectively. She also referred to draft legislation that specified conditions for occupational health and safety.

8. The representative cited a number of women's health programmes and projects, including those related to HIV/AIDS, which focused primarily on the reproductive health of women.

9. The representative stated that prostitution, although not considered a criminal offence, was a growing problem which was primarily attributed to illegal migration. She also expressed concern that organized prostitution continues to be a lucrative source of money for criminal gangs. A number of measures have been adopted by the Czech Republic to fight prostitution, including the creation of a special unit for detecting organized crime.

10. The representative referred to the foundations of the Czech legal system which protect women's rights, focusing on individual citizens, based upon the principle of uniform, general and equal protection of both men and women.

11. In concluding her presentation, the representative of the Czech Republic indicated that she looked forward to the Committee's questions so that she could provide a complete and objective picture of women in the Czech Republic.

Positive aspects

12. The Committee complimented the Government of the Czech Republic for exhibiting a clear commitment to the promotion of the human rights of its citizens since the independence of the country.

13. The Committee was pleased to note the positive spirit in which its comments and suggestions had been received by the delegation of the Czech Republic.

14. The additional and updated information presented in the oral report of the representative of the Czech Republic was welcomed by the Committee as aiding its understanding of the conditions of women and the extent of the implementation of the Convention in the Czech Republic.

15. The Committee was particularly satisfied at the information included in the oral report of the delegation about the very recent establishment of what can be considered the beginning of a national machinery, within the Ministry of Labour and Social Affairs. Similarly, the reported effort to draft a National Plan by a Commission on the status of women was especially welcomed by the Committee.

16. The Committee noted that there had been significant gains in the status of women in the Czech Republic during the previous regime in particular with regard to education, women's participation in public and economic life and the terms of constitutional and legal guarantees of gender equality and institutionalization of social support of child care. Although implementation of these principles had often resulted in unfair double burdening of women and infringement of their human rights, they had constituted important achievements in combating stereotypical role conceptions.

17. The Committee was also happy to note the high standards of health coverage in general, and in regard to maternal health in particular, that existed throughout the Czech Republic. In this context, it was especially gratified to note the exceptionally low infant and perinatal mortality rates attained by the Czech Republic.

Factors and difficulties affecting the implementation of the Convention

18. The Committee had observed that the report of the Czech Republic, and its oral introduction to the Committee, reflect an overarching tendency on the part of the Government to conceive of women as mothers and within the context of the family, rather than as individuals in their own right and independent actors in the public sphere. The Committee felt that such perception presents a major obstacle to the implementation of the Convention because it reflects a fundamental misunderstanding of such critical concepts as gender roles, indirect discrimination and de facto inequality.

19. The Committee was distressed to note that, while the Government was eager to improve the life conditions of women in the Czech Republic, there did not exist a full appreciation of the structural and cultural causes of gender inequality. Having emerged from the restrictions of a totalitarian State, where full employment of women and institutional caretaking of children had been emphasized, the Czech Republic's current policies directed at women and family

had a tendency to swing in the other direction and overemphasize motherhood and family roles for women. In the Czech Republic, the lack of any special measures to elevate women's status, save those pertaining to the protection of pregnancy and motherhood, was thus observed to be a major constraint to the full implementation of the Convention.

20. The Committee also viewed the absence of a national machinery with adequate resources in the Czech Republic to be a severe constraint on the implementation of the Convention and the Beijing Platform for Action.

Principal subjects of concern

21. The Committee noted with concern that, despite numerous equality provisions in the Constitution, in the Charter of Fundamental Rights and Freedom, as well as in several other codes, Czech law does not provide a clear definition of discrimination and/or address de facto inequalities between women and men.

22. The Committee was very concerned about women's inadequate and declining representation in decision-making positions in the public sphere and at the Government's apparent lack of attention to this phenomenon. This was reflected in the absence of any special temporary measures to remedy the situation, as well as the lack of willingness to consider any such measures.

23. The decline in the number of women's non-governmental organizations since the early days of the Czech Republic's establishment was also observed with concern by the Committee. The Committee considered the existence of an active civil society, in which a wide range of views and attitudes on gender equality find expression, to be highly beneficial for the promotion of equality between women and men. It also encouraged Government cooperation with non-governmental organizations representing different women's interests and perspectives in the implementation and monitoring of the provisions of the Convention.

24. The Committee noted with particular concern the absence of special legislation on violence against women and was alarmed by the Government's perception that there was no need for such legislation. The Committee considered a critical deficiency the absence of data on the extent and prevalence of such violence in the Czech Republic, and the lack of information on any preventive measures and/or programmes to support victims of violence, raise public awareness of the issue and sensitize health professionals and law-enforcement personnel on the topic.

25. The lack of measures and programmes to promote a positive, all-round image of women and to encourage equal sharing of family responsibilities by men in the media was also noted with concern.

26. The Committee noted with concern that, in the Czech Republic, prostitution and trafficking in women are approached exclusively in the context of combating organized crime. These crimes are closely related to economic transition and socio-political changes. The Committee acknowledged the adverse effects of such developments as rising unemployment, increasing poverty and easing-out of women from public life and power positions, as factors contributing to prostitution and trafficking in women.

27. The Committee viewed the Czech Republic's policy of creating "household management" schools which, although not formally sex segregated, basically cater to female students and train them for traditional stereotypical roles, as promoting gender stereotyping. The same applies with regard to the practice of some schools admitting only boys because of their "different physical abilities". In stressing the importance of encouraging girls and boys to choose non-traditional fields of study in order to eliminate discrimination against women, the Committee was highly concerned about such schools. Furthermore, the Government's "self-congratulatory" attitude for establishing such schools was viewed by the Committee as yet another reflection of the misconception that seemed to underlie the Czech Republic's perception of gender equality and the spirit of the Convention.

28. The existing gender gap in wages between women and men was particularly significant in the face of governmental policies promoting women's family roles in the Czech Republic. As citizens in a country undergoing radical economic transition to a market economy, women in the Czech Republic were particularly vulnerable to the marginalizing forces of economic rationalization and privatization. This could only be expected to increase with over-protective measures for pregnancy and maternity and cultural glorification of women's family roles. The Committee was thus deeply concerned about the future effects of existing labour and social security legislation that appeared to channel women to traditional roles, inter alia, through exaggerated maternity protection and early retirement policies for women.

29. The Committee was very disturbed to hear about the high rate of induced abortions in the Czech Republic, particularly in the face of the wide availability of contraceptives. It was further dissatisfied to learn about the lack of information and training of health professionals with regard to contraceptives. Owing to the partial nature of the information provided in the oral report, the Committee was not entirely satisfied with the information provided on women's general health in the Czech Republic.

30. The Committee was especially disappointed not to have received answers to its questions on articles 7, 8 and 16 of the Convention in the Czech Republic's oral responses. In particular, in the face of the very high divorce rate that prevails in the country, its causes, as well as the legal status of protection, if any, accorded to women in de facto unions were of special concern to the Committee.

Recommendations

31. The Committee recommends that the Government of the Czech Republic give impetus to the establishment of an adequately resourced national machinery with a clear mandate to implement, coordinate and monitor the provisions of the Convention. It further recommends that, as a future member of the European Union, the Czech Republic draw upon the experiences of the European Union countries and make efforts to get assistance from such countries as it designs machinery and reviews its legislation and policies in the area of discrimination against women.

32. The Committee urges the Government of the Czech Republic to review its perspective on special temporary measures in the area of women's political and economic participation in leadership positions. In this context, it recommends instituting numerical goals and targets, as well as use of quotas to boost women's timely participation in these positions.

33. The enactment of a special law for violence against women is also suggested together with promotion of education and media programmes sensitizing the public on this issue. In this context, it is also recommended that the Czech Republic engage in comprehensive research to assess the extent and nature of violence against women in the country.

34. The Committee recommends a comprehensive study and analysis of how the economic and socio-political transition of the country has affected women which should be carried out from an anti-discrimination perspective. It recommends that policies and measures with respect to such areas as participation in public life and leadership roles, violence against women, prostitution and trafficking in women, education and family law be formulated on the basis of how transition is related to changes in women's position and roles in these areas.

35. With respect to prostitution and trafficking of women, the Committee strongly recommends that effective policies to combat these crimes be formulated and implemented. The Committee suggests that measures to combat these crimes require not only services to victims and sanctions to the perpetrators, but the design and implementation of comprehensive national social and economic policies to create new opportunities for women. It therefore recommends that the Government take effective action to combat feminization of poverty and to improve the economic situation of women in order to prevent trafficking and prostitution.

36. The Committee urges the Government of the Czech Republic to launch specific training programmes to educate health professionals, and mass campaigns to inform the public on the use of contraceptives and misuse of induced abortions as a means of family planning.

37. The Committee strongly underlines the need for the Czech Republic to promote the image of women as individuals and independent actors in the public sphere, and recommends that the Government launch comprehensive, systematic, goal-oriented efforts to balance the existing positive emphasis placed on women's private sphere roles in laws, policy measures and governmental attitudes with an equal emphasis on their public sphere functions. In this regard, the Committee also recommends that the Government encourage men though public media campaigns, school curricula and special temporary measures, such as effective use of paternity leave, to share family responsibilities equally with women.

38. The Committee requests the Government of the Czech Republic to disseminate widely, throughout the Czech Republic, the Convention and the various recommendations of the Committee, as well as the present comments, so that individuals become aware of the measures that have been taken to implement the Convention and of the remaining steps that are required to achieve de facto equality for women.

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Draft report

Rapporteur: Ms. Aurora JAVATE DE DIOS

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

2. Second and third periodic reports of States parties

Bulgaria

1. The Committee considered the combined second and third periodic reports of Bulgaria (CEDAW/C/BGR/2-3) at its 373rd and 374th meetings, on 28 January 1998.

2. The combined reports covered the period up to 3 November 1994 and were supplemented by a document containing additional information to update the information contained in the written reports and the core document providing information about political, legal and social structures in Bulgaria.

3. In her statement the representative drew attention to the fact that, since Bulgaria's initial report in 1985, the country had commenced a process of radical political and economic transformation. A new Constitution had been adopted in 1991. The representative pointed to a number of difficulties the country had faced during the transition period, including the fact that there had been seven different Governments in power since 1990. Economic conditions

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had also been severe. However, the Committee was informed that a more favourable economic position was emerging as evidenced by improved foreign investment and a forecast of modest GDP growth in the first half of 1998.

4. The representative acknowledged that a society had been inherited from the communist era where there was de jure, but not de facto equality for women. She expressed the Government's commitment to taking further measures to improve the de facto situation of women in line with the Convention. She referred to the fact that, in May 1992, Bulgaria withdrew its reservation on article 29 (1) of the Convention concerning the jurisdiction of the International Court of Justice. She also outlined steps taken by the Government of Bulgaria to translate and disseminate the Convention widely throughout the country. The representative stated the Government's position that equality between women and men was a conditio sine qua non of democracy.

5. The representative pointed out that article 6 of the Constitution of Bulgaria guaranteed equality and non-discrimination. In addition, the Committee was informed that, although there are no special laws on human rights and gender equality, article 5 of the Constitution provided for the incorporation of international treaties to which the Republic of Bulgaria was a party into domestic law.

6. The representative cited statistics demonstrating that infant mortality in Bulgaria had decreased substantially since 1970-1980. She referred to the substantial increase in the number of births outside of wedlock in Bulgaria and reported that the Government saw this as a reflection of more flexible choices of family partnerships for women than previously.

7. The representative outlined some measures that had been adopted to improve the situation of Roma children, in particular with regard to education. Several reports had been prepared relating to the Roma minority and various consultations carried out with the specialized agencies on the issue. The situation of the Roma minority had been raised during the consideration of Bulgaria's proposed membership of the European Union and further measures would be implemented in cooperation with the Union.

8. The Committee was informed of the measures taken by the Government of Bulgaria to implement the Beijing Declaration and Platform for Action. Immediately after the Beijing conference, an intergovernmental commission had been established. In cooperation with women's non-governmental organizations, the commission produced a National Action Plan. This was adopted by the Council of Ministers in July 1996, and a decision reached to establish a permanent intergovernmental council to monitor its application. At present, the Ministry for Foreign Affairs served as the focal point for the commission.

9. The representative referred to the Government's proposal to appoint an ombudsperson who could be entrusted with the role of monitoring women's human rights and gender equality. A draft law was in the process of preparation and two seminars to discuss the proposal had been planned for 1998.

10. The representative reported that some very favourable advances had been made regarding the participation of women in decision-making and political life.

In some ministries, the number of women significantly exceeded the number of men. The situation was similar in the judiciary.

11. The representative referred to the problem of unemployment for women and noted that cases of discrimination against women were still evident, with some employers preferring to fill vacancies with men or with very young women who had no family responsibilities. It was acknowledged that women were more affected by unemployment than men.

12. The representative stated that the reduction of crime had been, and continued to be, a main priority for the Government. In particular, she referred to measures taken to strengthen provisions against the illicit trafficking in persons and emphasized the Government's commitment to strengthen international and regional cooperation on the issue.

13. The Committee was informed that, while domestic violence resulting in severe, medium and slight physical injury was regarded as a criminal offence, proceedings could only be commenced upon the complaint of the victim. The representative acknowledged that domestic violence in Bulgaria was still not seen as a human rights abuse and that more awareness-raising campaigns were needed. The Parliament was at present considering draft legislation that would criminalize domestic violence against children, including girls.

14. The representative concluded by indicating that the Government was committed to the implementation of the Convention and looked forward to the Committee's recommendations in that regard.

Concluding comments of the Committee

15. The Committee noted with appreciation the combined second and third periodic reports of Bulgaria. The Committee was pleased that an effort had been made to update the information and to respond to the questions posed by the pre-session working group.

16. The Committee welcomed the high-level delegation headed by the Deputy Minister for Foreign Affairs.

17. The Committee appreciated the efforts made to respond to the questions posed by the experts during the oral presentation. The delegation was able to provide some valuable information within a very short time, which significantly assisted the Committee's understanding of the situation faced by women in Bulgaria. However, the Committee noted that the delegation had failed to address many of the questions transmitted to the Government of Bulgaria by the pre-session working group and also many of the questions raised by members of the Committee during the delegation's oral presentation. The Committee appreciated the time constraints imposed, but nonetheless requested that all those questions be answered in the next report, emphasizing the following questions, which were of particular concern to the Committee:

(a) The reports refer to the double burden of women in Bulgaria who work in the market and who also take full responsibility for the domestic workload.

What measures have been taken to address that situation and to change prevailing attitudes about women's role in the home?

(b) The situation of the unemployment of women remains unclear, and further information is requested regarding the particular measures the Government has implemented to combat it. What measures are being taken to address discriminatory practices regarding women in the employment sector?

(c) Violence against women, including trafficking in women, is clearly a major concern in Bulgaria. What efforts have been made to provide assistance to victims and to punish offenders? What preventive measures have been implemented?

(d) The Committee requests information on the impact of drug-addiction upon the female population;

(e) What assistance is provided to female heads of households and single mothers?

(f) What efforts have been made to improve the standard of living of women in rural areas?

(g) What access do women have to free legal aid?

(h) What measures have been taken to remove stereotypes from school textbooks and other facets of the education system?

18. The Committee's overall impression was that inadequate attention had been paid to ensuring that women did not bear a disproportionate share of the burden associated with radical political and economic change in Bulgaria. However, the Committee did note the frequent statements of commitment by the Government for improving the de facto as well as the de jure situation of women. The Committee interpreted the positive emphasis placed on the Convention in Bulgaria as a strong signal that the situation of women in Bulgaria would be improved in the future.

Positive aspects

19. The Committee commended Bulgaria for withdrawing its reservation to article 29 of the Convention.

20. The Committee noted with great pleasure the changes implemented in Bulgaria in recent years that had brought about respect for human rights and fundamental freedoms. In particular, the Committee welcomed the Government's recognition that democracy could not be achieved without the full and equal participation of women in decision-making and all other areas of life.

21. The Committee welcomed the Government's proposal to establish an ombudsperson for human rights who could also monitor women's rights and equality issues. The Committee noted with satisfaction the delegate's comments recognizing the importance of ensuring that the ombudsperson has adequate resources available and is given a clear mandate to address gender issues.

22. The Committee commended Bulgaria on the adoption of the National Action Plan to implement the Beijing Declaration and Platform for Action. The Committee was also pleased that efforts had been made to establish a body to monitor the implementation of the Plan, namely the intergovernmental commission. The comments of the delegate that an appropriate place would soon be found for the commission during the ongoing process of administrative reform were noted and the Committee looked forward to the provision of further information on that point in the State party's next report.

23. The Committee noted with approval the proposed measures to enact legislation implementing the Convention on the Rights of the Child. It considered this an important precedent for the subsequent passage of legislation implementing the Convention.

Factors and difficulties affecting the implementation of the Convention

24. The Committee noted the difficult economic and political process Bulgaria was undergoing in its transformation to democracy and a market-oriented society.

25. The Committee considered that previous ideological positions, including the former insistence on formal or de jure equality, now tended to impede a proper understanding of the complex issue of discrimination, such as structural and indirect discrimination, which further compounded the situation of de facto inequality of women.

26. In addition, the former insistence on women's role as mothers, together with the extensive protection provided to women as mothers, tended to perpetuate sex role stereotypes and reduce the father's role and responsibility in the upbringing of the children. This now made it difficult for the Government to promote new concepts of men's and women's roles without appearing to interfere, once again, with individual choices and desires.

27. On several occasions during the delegation's oral presentation, the Committee raised the issue of affirmative action. The Committee noted the delegate's reference to the favourable age of retirement for women, but remained concerned about the Government's understanding of affirmative action. As embodied in the Convention, special, temporary measures or affirmative action meant the establishment of programmes that advantaged women more than men. It required undermining formal equality for a certain period of time in order to achieve de facto equality in the long term. It is crucial fully to understand the concept of affirmative action, and to implement it in the many areas in which women are currently disadvantaged at the de facto level. Otherwise, the State party's ability to implement the Convention fully will be impeded.

28. While welcoming the establishment of a commission to monitor the implementation of the National Action Plan, the Committee expressed the view that the Department of Foreign Affairs was inappropriate as the focal point for that body. The Committee noted the prevalence of women in the Department of Foreign Affairs and agreed that it is commendable to seek the involvement of women in the commission. However, the advancement of women in Bulgaria was, first and foremost, a domestic issue. The Committee felt that the failure to

house the commission within the appropriate framework could impair the implementation of the Convention.

Principal subjects of concern

29. The Committee was concerned that there were no special laws aimed at bringing about women's de facto as well as de jure equality and that the Government had not demonstrated a commitment to introduce special, temporary measures in the near future.

30. The Committee noted that the reports did not reflect any government strategy regarding a national machinery to address women's issues and to implement the Convention. It was concerned that valuable time had been lost in establishing such a machinery and integrating a gender dimension into all policies, which the Committee deemed especially important during times of radical societal and economic change. Information provided in the oral presentation about the establishment of an intergovernmental commission to coordinate the National Action Plan on women's issues provided some clarification, although the goals of the National Action Plan, its timetable and the resources committed to its implementation remained unclear. The Committee remained concerned that there appeared to be no strong national machinery at present in existence.

31. While the Committee agreed that progress had been made regarding the participation of women in Government and other areas of decision-making, it considered that much more progress was possible, especially in view of the large numbers of highly educated women in Bulgaria.

32. The Committee was particularly alarmed by the overwhelming number of people living below the poverty line in Bulgaria, which the delegation stated to be approximately 80 per cent. This was of concern, as women were most likely to be adversely affected by poverty. Elderly women were particularly vulnerable to the effects of poverty and the Committee was anxious to be provided with further information about the implementation of strategies to alleviate the situation of the most vulnerable.

33. The problem of violence against women in Bulgaria, both in the public and private spheres, was identified as one of the Committee's dominant concerns. Some information had been provided in response to the questions of the pre-session working group, but the Committee questioned whether the Government's responsibility (flowing from the ratification of the Convention and in accordance with the Committee's General Recommendation 19) for taking measures to address the problem at all levels was fully acknowledged. The Committee expressed concern at the fact that legal proceedings for domestic violence could only be instituted upon the complaint of the victim. The Committee was, however, pleased to note the emphasis placed by the delegation upon the need for public-awareness campaigns and preventive action to combat domestic violence.

34. Although some information was provided about measures to combat trafficking in women, the Committee remained concerned about the adequacy of the response so far. The Committee was concerned about the extent of the problem, regarding both Bulgarian women who were led into prostitution in other European countries

by organized crime, as well as women from other countries who fell into prostitution in Bulgaria. The Committee noted the Government's undertaking to give international cooperation on this issue priority and looked forward to information about the progress achieved in the State party's next report.

35. The Committee remained confused about whether women in Bulgaria were affected by unemployment in greater numbers than men. Contradictory information had been provided in the oral presentation of the delegation. However it was clear that unemployment among Bulgarian women was a priority area of concern warranting the most serious attention and effort.

36. Although the delegation described some measures that had been taken to improve the situation of Roma children, the Committee was concerned about the very high rate of non-participation of those children in schools. The need to provide incentives to children to stay in school and to educate their parents as to the importance of continued schooling was emphasized.

37. The reports described an extremely high rate of abortion among women, in particular young women, in Bulgaria. The Committee expressed alarm that abortion appeared to be used as a method of family planning. Although the delegation provided some additional information in its oral presentation, the Committee remained concerned about the measures taken to ensure that women have proper access to contraceptives. The Committee was also confused about the causes of the rising rate of out-of-wedlock births and requested further information on that point.

38. The Committee felt it had been provided with inadequate information on the situation of rural women and the extent to which they had benefited from agrarian and other types of reform in the rural sector.

Suggestions, recommendations and requests

39. The Committee recommends that, despite the economic difficulties associated with transition, the Government give priority to the establishment of a strong and effective national machinery for advancing the position of women in Bulgaria. Countries undergoing transition have a unique opportunity to improve the situation of women as an integral part of the successful transition to democracy and a free market economy. They can thereby avoid the entrenchment of structural discrimination and the need for further fundamental changes in the future.

40. The Committee recommends that, as the Government embarks upon the procedure of setting up an appropriate national machinery for the promotion of women's rights, recourse be had to the experience of other European Governments who have been through the same procedure in the past. The Committee requests that more information be provided on the implementation of the National Action Plan in the State party's next report.

41. The Committee strongly urges the Government of Bulgaria to appoint an ombudsperson in accordance with the current proposal before Parliament. The Committee further urges the Government to ensure that sufficient resources be

allocated to enable the office to function effectively. The ombudsperson should also be provided with a clear mandate to address gender issues.

42. The Committee strongly recommends that temporary, special measures be enacted in all necessary areas to accelerate the de facto situation of equality for women in Bulgaria. The Committee suggests that the Government give further consideration to the nature and role of affirmative action. Experts of the Committee were available to provide further information and assistance to the Government in that respect.

43. The Committee recommends that legislative measures protecting women against all forms of violence, both public and private, be strengthened. In particular, provision should be made for the prosecution of offenders even in the absence of a complaint by the victim. The Committee recommends that measures be taken to change prevailing attitudes to domestic violence, regarding it as a private problem, and to encourage women to seek redress. A range of strategies were available, including the utilization of popular music, theatre and so on. The Committee requests that the Government of Bulgaria include information on steps taken to address domestic violence in its next report.

44. The Committee encourages Bulgaria to implement its intention to cooperate at the regional and international levels on the problem of trafficking in women and their exploitation in prostitution. The Committee suggests that in order to tackle the problem of trafficking in women, it is fundamental to address women's economic vulnerability, which is the root cause of the problem. In addition, national legislation should be improved, effective administrative and police structures need to be created, media sensitization and training campaigns conducted and the work of women's non-governmental organizations in this area promoted. The Committee also requests that the Government of Bulgaria include in its next report yearly data on:

(a) The number of people engaged in trafficking who have been arrested, prosecuted and sentenced;

(b) The number of women trafficked out of Bulgaria and found in other countries;

(c) The number of migrant women trafficked into Bulgaria and subsequently sent back to their countries of origin.

45. The Committee recommends that special measures be taken to encourage women into entrepreneurship. Training should be provided and measures taken to facilitate the access of credit and loans for women, in particular rural women. The Committee requests that the next report submitted provide detailed information on the involvement of women in economic operations, including information about discriminatory practices against women in employment and measures taken to counteract them.

46. In accordance with the oral undertaking given by the delegation, the Committee urges the Government of Bulgaria to give further consideration to the questions referred to in paragraph 17 above, which were posed by the experts but remained unanswered.

47. The Committee urges the Government to facilitate consultations between Bulgarian women's non-governmental organizations and other European women's non-governmental organizations, in order to discuss Bulgarian women's issues and receive any necessary assistance.

48. The Committee requests the Government of Bulgaria to disseminate widely, throughout the country, the Convention and the various recommendations of the Committee, as well as the present comments, so that individuals become aware of the measures that have been taken to implement the Convention and of the remaining steps that are required to achieve de facto equality for women.